

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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LEWIS PAUL FULBRIGHT,  
Petitioner,

Case No. 08-C-0635

v.

STATE OF WISCONSIN, \_\_\_\_\_  
Respondent.

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**ORDER**

Petitioner, a pro se litigant, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has not paid the \$5 filing fee but has requested leave to proceed in forma pauperis. However, petitioner has not submitted a certified copy of his prison trust account statement or any other document that shows the amount of money in his institutional account. See Rule 3(a)(2), Rules Governing Section 2254 Cases. On July 25, 2008, the clerk's office mailed a letter to petitioner asking that he submit a copy of his trust account statement within 20 days, but petitioner did not do so. Because I was uncertain whether petitioner's failure to respond to the clerk's letter was an oversight, or whether he no longer wishes to prosecute this action, I granted him 20 additional days to either pay the \$5 filing fee or submit a certified copy of his trust account statement. I informed petitioner that if I did not hear from him within 20 days his case would be dismissed for failure to pay the filing fee.

Twenty days have elapsed and petitioner has not contacted the court. Therefore, this action is **DISMISSED** without prejudice for failure to pay the filing fee. Petitioner's request to proceed in forma pauperis is **DENIED** as **MOOT**. The clerk shall enter final

judgment.

**SO ORDERED** at Milwaukee, Wisconsin, this 30 day of September, 2008.

/s \_\_\_\_\_  
\_\_\_\_\_  
LYNN ADELMAN  
District Judge